Remarks:

Applicants' undersigned attorney notes with appreciation the Examiner's comments regarding claims put forward for consideration and the Abstract provided.   Amendments have been made above in a effort to correct the deficiencies pointed out by the Examiner. It is noted that the phrase "such as" found objectionable by the Examiner appears in Claim 3 (now amended to remove the phrase) rather than Claim 4 as indicated in the Official Action.

Applicant's undersigned attorney notes the rejection of the claims presented, and respectfully disagrees. It is believed that the rejection lacks basis and may have arisen from a failure of the invention to have been pointed out as clearly as might have been in the Abstract previously presented.   Applicants' attorney traverses the rejection, and requests reconsideration of the claims in light of the comment which follows.

The critical element of applicants' invention is that a <u>connection</u> is denied. This differs significantly, and patentably, from dropping packets to <u>maintain</u> an established connection at a lower data rate. The principal reference on which the relies, Blumer U.S. 6,856,596, relates only to the latter technology, and fails to teach or suggest any <u>connection</u> management of the type with which the present invention is concerned.

To more fully show this difference, what follows next is a side by side comparison of one claim of applicants' application (Claim 1) with the portions of the Blumer text to which the Examiner has referred in the rejection under consideration.

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1.   A method comprising the steps of:

a) determining that a datagram arriving at an interface between a network and an edge resource is the initial datagram in a sequence of datagrams associated in a common session as to which a new connection is requested;

b) providing a table of values indicating the probability that a new connection will be allowed for each of a plurality of pipes;

c) determining the pipe membership of a determined initial datagram by testing Quality of Service bits in said datagram and selecting from the provided table a probability value corresponding to the determined pipe membership of the determined initial datagram; and

The present invention pertains to a method for access control. The method comprises the steps of receiving a packet at an element 29 having buffer 12.

Preferably, the calculating state includes the step of retrieving the drop probability from a drop probability memory 24 having precomputed drop probabilities.

The identifying the address step preferably includes after the mapping step the step of determining the address from the variables. ... The $abf\_region_{marking}$ is computed in the background periodically and is already available when the packet arrives. The color is determined from the packet itself, and the queue to which the packet belongs is obtained from a packet flow identifier (such as VPI and VCI or an IP header) through a lookup. These five parameters are used to form an address into the precomputed probability memory 24, and the probability of the packet is retrieved.

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d) determining from the selected probability value <u>whether establishment of a new connection will be allowed</u> for the associated session and selectively <u>acknowledging the determined initial datagram</u> and <u>allowing a new connection</u> for the associated session based upon the determination of whether a new connection will be allowed.

The comparing step preferably includes the step of comparing the drop probability to the random number generated by a linear feedback register 28 which approximated a random number generator.

Emphasis has been added to the claim language solely for purposes of clarity, as the language has been present in the claims from filing.

It is elementary that in order for an anticipation rejection under 35 USC 102 to stand, every recited element of a claim under consideration must be found within the four corners of the reference advanced. While the Examiner has here helpfully indicated specific portions of the text of the reference which were asserted as teaching the recited elements of applicants' claims, the side by side comparison above demonstrates that this is simply not found. Reaching outside the specific column and line references made by the Examiner, it becomes even more clear that the Blumer invention is simply directed at a different problem.

For example, the discussion in the Blumer Background of the Invention, beginning in Column 1 at line 17 and continuing through line 54, sets the field of the Blumer invention as controlling the fill state of buffers. This differs significantly from the arena of applicants' invention, which is establishing or denying a connection in the first place. See also the Blumer text beginning in Column 4 at line 34, where the
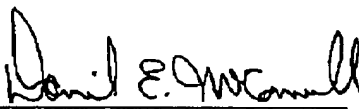
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operation of the invention is described as determining when a packet should be considered for dropping.

Rejections grounded solely on Blumer under 35 USC 102 were made against Claims 1 through 4, 7, and 9 through 24. While an extended side by side comparison has bene omitted here in the interests of brevity, such a comparison can be provided should the Examiner so request or it be necessitated by an appeal. It is submitted that the consequences of such a presentation would be the same as here evident – there is no factual basis in Blumer to find the technology claimed for applicants.

Additionally, Claims 5, 6 and 8 were rejected under 35 USC 103 as being obvious in view of Blumer as modified by the teachings of Davies U.S. 6,483,805. It is respectfully submitted that Davies fails to provide the deficiencies of Blumer which are pointed out above, and thus adds nothing useful to the positions taken. As the principal reference is irrelevant, adding another fails to support the asserted rejection.

For the reasons given, reconsideration is requested and allowance is believed in order. Favorable action is solicited.

Respectfully submitted,

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